

App. No 09/251,781
Amdt. Dated October 1, 2003
Reply to Office Action of July 1, 2003

REMARKS/ARGUMENTS

The present amendment is submitted in response to the Office Action dated July 1, 2003, which set a three-month period for response, making this amendment due by October 1, 2003.

Claims 18-21 are pending in this application.

In the Office Action, claims 18-21 were rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor had possession of the claimed invention. Claims 18-21 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 18 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,434,695 to Wingen ("Wingen '695").

The Applicant notes with appreciation the indicated allowability of claims 20 and 21 if rewritten in independent form to include the limitations of the base claim and any intervening claims.

In this amendment, claim 18 has been amended to define the combination of the blade holder and circular blade, as suggested by the Examiner. Likewise, dependent claims 19-21 have been amended to claim the "combination".

Claims 19 and 21 were amended to change "pressing spring" to "pressing device" to address the rejection under Section 112, second paragraph.

With regard to the rejection of claims 18 and 19 under Section 103, the Applicant respectfully disagrees that the Wingen reference suggests to the practitioner the subject matter of the present invention as defined in these claims.

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Moreover, the Applicant submits that the device of Wingen, if modified as the Examiner proposes in the Office Action, would be rendered unworkable. Thus, the rejection under Section 103 cannot stand.

As amended in the submission filed January 22, 2001, claim 18 specifically defines over the Wingen reference by claiming a "pressing device for overcoming the force of the pressure spring acting on the advancing piston rod during a cutting operation, said pressing device exclusively loading said pressure spring in a direction of the cutting position of the circular blade." Moreover, claim 18 defines that the pressing device is "decoupled from the advancing piston rod".

Wingen fails to show or suggest a second, axially pressing device that works EXCLUSIVELY on the return spring, and therefore is UNCOUPLED from the piston rod 17. Rather, on the contrary, in Wingen, the return spring 7 is continually in operation, thus influencing disadvantageously the adjustment of the pressing force of the circular blade.

In other words, nowhere in Wingen is it suggested to a practitioner to modify the Wingen device by supplying a second pressing device that works only on the return spring AND uncoupling this second pressing device from the piston rod. In fact, modifying in this manner would not produce the present invention, but would ineffectually alter the operation of the Wingen device.

In the amendment filed on July 10, 2001, in response to the final rejection, claim 18 was further amended to define that the advancing piston rod acts on the blade holding member to move the circular blade "from a ready position into a cutting position, thereby overcoming the force of a return spring acting on the

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advancing piston rod to press the advancing piston rod into the ready position of the circular blade."

The Applicant disagrees with the Examiner's conclusion that "almost all" of the structural elements of the present invention are disclosed or suggested by Wingen. As the Applicant has pointed out previously to the Examiner, the "locking cap 19" of Wingen is not a "pressing device". Nowhere in the Wingen document does the inventor disclose that the locking cap 19 is intended or contemplated for serving this purpose. One cannot add on the spring 7 to the locking cap 19.

It must be emphasized that the "locking cap 19" is incapable of neutralizing the force of the spring. On the contrary, the unit comprising the spring 7 and the locking cap 19 is the spring unit whose force should be neutralized! Thus, it is an improper interpretation to view the locking cap 19 of Wingen as a "pressing device" as clearly defined in claim 18.

The Examiner also has misinterpreted the spring in the Wingen patent as a "pressure spring", when it is actually a "return spring": this spring 7 in Wingen clearly biases the knife in its starting position. In Wingen, if the pressure device 17, 20 is no longer loaded, then the return spring 7 automatically leads the knife back into its starting position. Also in Wingen, the pressure device must overcome exclusively the adjustment of the cutting force, and therefore, is freed from overcoming the force of the return spring 7.

In contrast, the neutralization of the return spring 7 is taken over in the present invention by the pressure device: again, the present invention does not relate to an "adjustment" of the spring force, in the sense of regulation or control,

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rather, it relates to a complete neutralization of the return spring.

Claim 18 clearly defines over the Wingen reference by providing that the advancing device works against the return spring in order to position the blade. Unlike in Wingen, the pressing device 24 takes over the role of the return spring in the advancing device, so that the spring force of the return spring 7 is neutralized and the cutting force acting on the blade depends only on the force applied from the advancing device.

Wingen neither discloses nor suggests these features to the practitioner. Furthermore, the practitioner would not be motivated to modify Wingen based on general principles known in the prior art, because such modifications would alter the principles of operation of the Wingen device.

Thus, for the reasons set forth above, the Applicant respectfully submits that claims 18 and 19 are also patentable over the Wingen reference. The Applicant further requests withdrawal of the rejection under 35 U.S.C. 103 and reconsideration of the claims as herein amended.

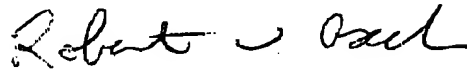
In light of the foregoing amendments and argument in support of patentability, the Applicant respectfully submits that this application now stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss

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appropriate claim language that will place the application into condition for allowance.

Respectfully Submitted,



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